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J1052 U.S. PTO

JC978 U.S. PTO  
09/847010  
05/01/01

TO: Box PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

**UTILITY PATENT APPLICATION TRANSMITTAL - DIVISIONAL**  
(new nonprovisional applications under 37 CFR §1.53(b))

4/a  
J.G.J  
10/31/01

Transmitted herewith for filing is the patent application of:

INVENTOR(S): Frey, *et al.*

TITLE: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

ATTORNEY DOCKET NO.: 032026-0476D

In connection with this application, the following are enclosed:

**APPLICATION ELEMENTS:**

- ☒ [ X ] Specification - 50 Total Pages
- ☒ [ X ] Abstract - 1 Total Pages
- ☐ [ ] Drawings - Total Sheets \_\_\_\_\_
- ☒ [ X ] Declaration and Power of Attorney - Total Sheets 4
  - ☐ [ ] Unexecuted (original or copy)
  - ☒ [ X ] Copy from a prior application (37 CFR 1.63(d))  
(relates to continuation/divisional boxes completed)
  - ☐ [ ] Deletion of Inventor(s) - Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - ☐ [ ] Incorporation by Reference (useable if copy of prior application Declaration  
being submitted)

The entire disclosure of the prior application, from which a COPY of the oath or declaration is supplied as noted above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

032026-0476D

- ☐ Microfiche Computer Program (Appendix)
- ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- ☒ Computer Readable Copy
- ☒ Paper Copy (identical to computer copy)
- ☒ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS:**

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
- ☒ Information Disclosure Statement (IDS) with PTO-1449.
  - ☒ Copies of IDS cited documents.
- ☐ Small Entity Verified Statement(s)
  - ☐ Statement filed in prior application. Status still proper and desired.
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
- ☐ Transmittal of Formal Drawings

**FOREIGN PRIORITY CLAIM:**

- ☐ Certified copies attached
- ☐ English Translation Document (if applicable)

**CONTINUING APPLICATION:**

[ X ] Divisional of prior application Serial No. 09/330,611, filed June 11, 1999.

[ X ] Amend the specification by inserting before the first line the following sentence:

*a* This application is a divisional of application Serial No. 09/330,611, filed June 11, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/182,942, filed November 24, 1998, now abandoned.

[ X ] Please cancel claim(s) 1-28 and 33-35 of the application as filed prior to calculating the filing fee.

[ X ] The prior application is assigned of record to Wisconsin Alumni Research Foundation (WARF).

[ ] A petition, fee and response has been filed to extend the term of the pending prior application until \_\_\_\_\_.

[ X ] The prior application is presently pending.

**CORRESPONDENCE ADDRESS:**

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**FEE CALCULATIONS:** (Small entity fees indicated in parentheses.)

(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Basic Fee \$710 (\$355)
Total Claims	14		x \$18 (x \$9)	0.00
Independent Claims	3	0	x \$78 (x \$39)	0.00
Multiple Dependent Claims			\$260 (\$130)	0.00
Assignment Recording Fee per property			\$40	0.00
Surcharge Under 37 C.F.R. 1.16(e)			\$130 (\$65)	0.00
			<b>TOTAL FEE:</b>	<b>\$355.00</b>

**METHOD OF PAYMENT:**

A check in the amount of the above TOTAL FEE is enclosed. If payment by check is NOT enclosed, it is requested that the Patent and Trademark Office advise the undersigned of the period of time within which to file the TOTAL FEE. If payment is enclosed, this amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 06-1447.

Respectfully submitted,



Mark A. Kassel, Reg. No. 38,200

May 1, 2001  
Date

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frey, *et al.*

Title: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

Docket No 032026:0476D

Box PATENT APPLICATION  
Commissioner for Patents  
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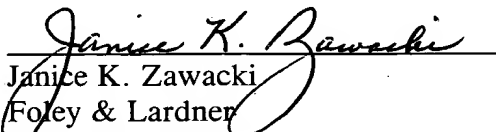
"Express Mail" Mailing Label No.: EL846155270US  
Date of Deposit: May 1, 2001

I hereby certify that these attached documents

- \* Utility Patent Application Transmittal Under 37 C.F.R. §1.53(b)  
(duplicate)
- \* Patent Application
- \* Information Disclosure Statement
- \* PTO-1449 and copies of cited references
- \* Preliminary Amendment
- \* Declaration and Power of Attorney (copy)
- \* Amino Acid/Nucleotide Sequence Submission
- \* Computer Readable Copy (diskette)
- \* Paper Copy (identical to diskette)
- \* Statement verifying identity of above copies
- \* Check for \$355.00 (Check No. 32393)
- \* Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 35 C.F.R. § 1.10 on the date indicated above and is addressed to Box PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.

Enclosed for filing please find the above-referenced patent application. Please indicate receipt of this patent application by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

  
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